

UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN

In re:

SCOTT SYZAK,

Debtor.

---

Case No. BG 19-04299  
Chapter 7

**ORDER TO SHOW CAUSE AND REQUIRING RESPONSE  
FOR ALLEGED VIOLATION OF THE AUTOMATIC STAY  
BY THE MICHIGAN DEPARTMENT OF CORRECTIONS**

PRESENT: HONORABLE JAMES W. BOYD  
United States Bankruptcy Judge

On October 28, 2019, Debtor<sup>1</sup> filed a letter with the court alleging that the Michigan Department of Corrections (“MDOC”) had violated the automatic stay after the filing of his bankruptcy petition by deducting his funds from his MDOC trust account (“Letter” at Dkt No. 17). On October 29, 2019, the court issued a Notice of Hearing on Debtor’s Letter to be held on December 19, 2019 at 9:00 a.m. that was served by the court on interested parties (Dkt. No. 18). Prior to the hearing, on November 21, 2019, November 27, 2019, and December 6, 2019, Debtor filed with the court three more letters indicating continued violation of the automatic stay by MDOC by deducting further funds from his MDOC trust account (Dkt. Nos. 23, 24 and 26).

MDOC did not file a response to the Debtor’s Letter and failed to appear at the December 19, 2019 hearing that was held in Grand Rapids, Michigan. Debtor telephonically appeared for the hearing. He represented to the court that the MDOC was aware of his bankruptcy filing and that, MDOC continues to deduct monies placed in his MDOC trust account to pay for obligations that were properly scheduled in his bankruptcy.<sup>2</sup>

Based upon the record before it, the court determined to issue this *Order to Show Cause* to require a response by the MDOC regarding the alleged violation of the automatic stay and the continuing efforts to collect or recover on a claim against the Debtor that arose before the commencement of the case. See 11 U.S.C. § 362(a)(1).

---

<sup>1</sup> The Debtor is currently incarcerated at a correctional facility operated by MDOC.

<sup>2</sup> The Debtor’s Schedule E/F lists “Mich. Dept. of Corrections” as holding AN unsecured debt of \$823.88. Schedule E/F, Dkt. No. 1-1, Pg 22.

NOW, THEREFORE, IT IS HEREBY ORDERED that by no later than **January 10, 2020**, MDOC shall file a written response to this order, including an affidavit or solemn declaration under 28 U.S.C. § 1746, explaining:

1. Why the post-petition deduction of monies from Debtor's MDOC trust account does not violate 11 U.S.C. § 362(a)(1);
2. Why MDOC should not be held in contempt of court for violation of the automatic stay imposed by 11 U.S.C. § 362(a); and
3. Why MDOC should not be subject to damages for willful violation of the automatic stay pursuant to 11 U.S.C. § 362(k).

The court may treat the failure to file a response in conformance with this Order as consent to the court's entry of an order finding MDOC in contempt and awarding other relief.

IT IS FURTHER ORDERED that the Clerk shall serve a copy of this Order pursuant to FED. R. BANKR. P. 9022 and LBR 5005-4 upon:

Scott Syzak  
Michigan Reformatory  
Inmate #215189  
1342 W. Main Street  
Ionia, MI 48846

Heidi E. Washington, Director  
Michigan Department of Corrections  
Grandview Plaza  
206 E. Michigan Avenue  
P.O. Box 30003  
Lansing, MI 48846

State of Michigan  
Department of Attorney General  
ATTN: Corrections Division  
G. Mennen Williams Building  
525 W. Ottawa Street  
P.O. Box 30212  
Lansing, MI 48933

Office of the United States Trustee  
The Ledyard Building, 2<sup>nd</sup> Floor  
125 Ottawa N.W., Suite 200R  
Grand Rapids, MI 49503

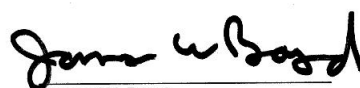
Lisa E. Gocha, Chapter 7 Trustee  
(via CM-ECF notification)

END OF ORDER

**IT IS SO ORDERED.**

Dated December 23, 2019



  
James W. Boyd  
United States Bankruptcy Judge